

PROCEEDINGS/MINUTES OF CITY COUNCIL

...March 18, 2015...

Council convened at 2:01 p.m., Mayor John Cranley Presiding. Present were Councilmembers Flynn, Mann, Murray, Simpson, Sittenfeld (In at 2:03 p.m.), Smitherman, Winburn, and Young.

Also in attendance were City Manager Harry Black, City Solicitor Paula Boggs Muething and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leave were disposed of as follows:

Councilmember Seelbach was excused.

MAYOR CRANLEY

Item #: 201500316

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Brenita Brooks to the Human Services Advisory Committee.

\*\*\*

Status/Recommendations:

CONFIRM

\*\*\* CONFIRMED

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500324

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Charlie Luken to the Banks Working Group.

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Status/Recommendations:

CONFIRM

\*\*\* CONFIRMED

|              |   |
|--------------|---|
| MR. WINBURN  | Y |
| MR. YOUNG    | Y |
| MR. FLYNN    | Y |
| MR. MANN     | Y |
| MS. MURRAY   | Y |
| MR. SEELBACH | A |
| MS. SIMPSON  | Y |

MR. SITTENFELD        Y  
MR. SMITHERMAN       Y

Item #: 201500341

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Jeanne Golliher to the Woodward High School Board of Trustees.

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Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

\*\*\*

Item #: 201500343

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of David Bastos to the Cincinnati Arts Association.

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Status/Recommendations:

HOLD ONE WEEK PURSUANT TO RULE OF COUNCIL

\*\*\*

Item #: 201500350

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Councilmember Kevin Flynn to the Tax Incentive Review Council.

\*\*\* Held one week.

Status/Recommendations:

HELD ONE WEEK PURSUANT TO RULE OF COUNCIL

\*\*\* HELD ONE WEEK

MR. MANN  
MR. YOUNG  
MR. SITTENFELD  
MR. SEELBACH

Item #: 201500335

MOTION, submitted by Vice Mayor Mann, Councilmembers Young, Sittenfeld and Seelbach, We move that the City Manager take all steps necessary to ensure that Council's participation in the award of contracts by SORTA for the Operation & Maintenance of the streetcar by fully informed, with Council being advised of the identities of the finalist for the contracts and provided detailed, relevant information with respects to all criteria being evaluated by SORTA staff: price; quality of the applicant; quality of the proposed staffing for Cincinnati; and the technical quality of the application. Additionally, Council should be provided information from the bidder pertaining to minority participation.

\*\*\*

Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

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MR. MANN  
MS. SIMPSON  
MR. YOUNG  
MR. SEELBACH  
MR. WINBURN  
MR. FLYNN

Item #: 201500334

MOTION, submitted by Vice Mayor Mann, Councilmembers Simpson, Young, Seelbach, Winburn and Flynn, WE MOVE that the Administration continue to engage the Madisonville Community Council, Cincinnati Public Schools and other key neighborhood stakeholders in the development of the Duck Creek Connector to seek feedback and input and mitigate concerns. (STATEMENT ATTACHED)

\*\*\*

Status/Recommendations:

NEIGHBORHOODS COMMITTEE

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MS. MURRAY

Item #: 201500336

COMMUNICATION, dated 3/9/2015 submitted by Councilmember Murray, from Martin Culver, regarding the Streetcar.

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Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

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MS. MURRAY  
MR. FLYNN

Item #: 201500337

MOTION, 3/17/2015 submitted by Councilmembers Murray and Flynn, WE MOVE that the Administration prepare a comprehensive report detailing the ongoing capital expenditures that will be incurred for the Cincinnati Streetcar Project. These capital costs should be identified as separate from the normal operating and maintenance costs that will be funded through the Comprehensive Streetcar Operating Plan passed by Council via item #201401368. WE FURTHER MOVE that the Administration prepare a report advising Council of any funding sources that will be available to cover these capital expenditures associated with the Cincinnati Streetcar Project once it is operational.

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Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

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MR. SITTENFELD

Item #: 201500352

RESOLUTION, submitted by Paula Boggs Muething, City Solicitor from Councilmember P. G. Sittenfeld, on 3/18/2015, SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Strietmann Bakery Building, located at 221-235 West Twelfth Street in Over-the-Rhine, which is a priority initiative for future development in the community and is consistent with the Over-the-Rhine, and downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

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Status/Recommendations:

NEIGHBORHOODS COMMITTEE

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Item #: 201500353

RESOLUTION, submitted by Paula Boggs Muething from Councilmember P. G. Sittenfeld, on 3/18/2015, SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Warner Brothers Building located at 1600 Central Parkway in Over-the-Rhine, which is a priority initiative for future development in the community, is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati, and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

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Status/Recommendations:

NEIGHBORHOODS COMMITTEE

\*\*\*

MR. SMITHERMAN

Item #: 201500351

RESOLUTION, submitted by Councilmember Christopher Smitherman from Paula Boggs Muething, City Solicitor, on 3/18/2015 EXPRESSING the strong support of the Mayor and the City Council of the City of Cincinnati for the approximately 200 residents of The Alms apartment building in Walnut Hills, in their ongoing efforts to ensure that their landlord, PE Alms Hill Realty, LLC, operates The Alms apartment building in a safe and sanitary manner, as required by local, state and federal law.

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Status/Recommendations:

LAW & PUBLIC SAFETY COMMITTEE

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CITY MANAGER

Item #: 201500302

ORDINANCE submitted by Harry Black, City Manager, on 3/11/2015, approving and authorizing the City Manager to execute a Community Reinvestment Area LEED Tax Exemption Agreement with Artichoke Properties, LLC, thereby authorizing a

12-year tax exemption for 100% of the value of the improvements made to real property located at 1824 Elm Street in the Over-the-Rhine neighborhood of Cincinnati in connection with the remodeling of the building located on the aforementioned property into a retail kitchenware store and two apartments units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) at a total remodeling cost of approximately \$792,638.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201500305

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/11/2015, authorizing the City Manager to execute a Property Sale and Development Agreement with Artichoke Properties, LLC for the sale and mixed-use redevelopment of certain City-owned property located at 1824 Elm Street, including an option to purchase the adjoining property at 1826 and 1828 Elm Street, in the Over-the-Rhine neighborhood of Cincinnati.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201500328

ORDINANCE submitted by Harry Black, City Manager, on 3/18/2015, levying assessments for unpaid costs for necessary sidewalk, sidewalk area, curb and gutter construction, reconstruction and repairs conducted by the City of Cincinnati in the neighborhood of Spring Grove Village through its Sidewalk Safety Program, made in accordance with Cincinnati Municipal Code Sections 721-149 through 721-169.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201500332

ORDINANCE submitted by Harry Black, City Manager, on 3/18/2015, designating a portion of the area in the Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street as a special parking permit area restricting parking to certain vehicles notwithstanding Cincinnati Municipal Code Chapter 514 and creating a pilot project to run through 2017.

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Status/Recommendations:

NEIGHBORHOODS COMMITTEE

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Item #: 201500333

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/18/2015,

authorizing City Manager to apply for, accept, and appropriate a grant in the amount of up to \$75,000 from the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding a construction work zone enforcement program designed to reduce deaths and injuries in work zones within the city limits along Interstate 71 and Interstate 75.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201500313

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, regarding Special Permit Application for 12th Annual Health Expo.

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500317

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Corporation Alley LLC DBA O Pie O, 1527 Madison Road. (#1751055, Transfer Exempt, D5) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500318

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for I Pita Da Foole LLC DBA Alladin's Eatery, 3664 Edwards Road. (#4146771, D1, D2, D3, D3A, D6) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500319

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Vine Street Hotel Partners LLC DBA Homewood Suites by Hilton, 617 Vine Street. (#9280640, New, D5A) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500320

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Patrick's Drive-Thru LLC DBA Patrick's Drive-Thru, 6350 Gracely Drive. (#6748515, New, C1, C2) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500321

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Fountain Square Management Group LLC DBA Fountain Square, 520 Vine/Fifth Street from Vine to Walnut Street & Vine Street from Fifth Street to South of Garage Entrance. (#28434220005, New, F8) [Objections: None]

\*\*\*

Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500322

REPORT, dated 3/18/2015, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 16 Bit LLC DBA (Not Listed), 1331 Walnut Street. (#82001570005, Transfer of Ownership, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

#### CLERK OF COUNCIL

Item #: 201500340

PETITION, dated 3/12/2015 submitted by the Clerk of Council, from Colin J. Kalvas, Bricker & Eckler, Attorneys at Law, 100 South Third Street, Columbus, Ohio 43215-4291, regarding submission of petition for the approval of a plan for the City of Cincinnati, Ohio Energy Special Improvement District.

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Status/Recommendations:

ECONOMIC GROWTH & INFRASTRUCTURE COMMITTEE

\*\*\*

Item #: 201500338

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement from Reginald E. Zeno, Finance Department, Director.

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201500339

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement from Kevin Flynn, Councilmember.

\*\*\*

Status/Recommendations:

FILE

\*\*\* FILED

#### BUDGET AND FINANCE COMMITTEE

Item #: 201500277

MOTION, dated 2/24/2015 submitted by Councilmember Smitherman, I MOVE that the city administration provide quarterly reports to Cincinnati City Council on the financial performance of the Cincinnati Retirement System.

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Status/Recommendations:

ADOPT

\*\*\* ADOPTED

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500135

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 2/4/2015, authorizing the transfer and appropriation of the sum of \$500,000 from the unappropriated surplus of the East Walnut Hills TIF Fund 486 to the capital improvement program project account no. 980x164x141612, "DeSales Corner Commercial Redevelopment," for the purpose of acquiring, stabilizing, and repurposing vacant, blighted, or underutilized commercial properties; and further DECLARING expenditures from capital improvement program project account no. 980x164x141612, "DeSales Corner Commercial Redevelopment," to be for a public purpose.

\*\*\*

Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0069-2015

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |



Item #: 201500243

ORDINANCE submitted by Harry Black, City Manager, on 2/25/2015, approving and authorizing the City Manager to execute a Community Reinvestment Area LEED Tax Exemption Agreement with Walnut Street Parking Inc., an Ohio limited liability company, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 211 West Fourth Street in Cincinnati in connection with the remodeling of an of an office building into market rate apartments over first floor office and retail space located on such real property, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council) at a total remodeling cost of approximately \$5,650,000.

\*\*\*

Status/Recommendations:

PASS

\*\*\* PASSED 0066-2015

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500268

ORDINANCE submitted by Harry Black, City Manager, on 3/4/2015, authorizing the City Manager to amend an existing lease with Zinzinnati Estates, LLC for Lunken Airport Lease Area 52.

\*\*\*

Status/Recommendations:

PASS

\*\*\* PASSED 0067-2015

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500274

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/11/2015, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Metcut Research Associates Inc., an Ohio corporation, thereby authorizing a 12-year tax exemption for 100% of the value of the improvements made to real property located at 3980 Rosslyn Drive, 4000 Rosslyn Drive, and 3750 Rosslyn Drive in Cincinnati in connection with the construction of an approximately 10,500 square foot addition to the facility located on such real property, which construction shall be completed at a total

construction cost of approximately \$1,400,000.

\*\*\*

Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0070-2015

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500304

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/11/2015, authorizing the City Manager to execute a Second Amendment to Lease Agreement with Walnut Hills Redevelopment Foundation, Inc. pertaining to City-owned property located at the southeast corner of E. McMillan and Gilbert Avenue in Walnut Hills, for the purpose of adding eight City-owned properties to the existing Lease between the parties dated September 27, 2012, on the same terms as the existing Lease (namely, at base rent of \$0.00/year for a term of approximately 40 years, with an option to purchase the property for \$1.00), to facilitate the tenant's redevelopment of the additional property for mixed commercial/residential redevelopment, which property is not needed for a municipal purpose.

\*\*\*

Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0071-2015

|                |   |
|----------------|---|
| MR. WINBURN    | Y |
| MR. YOUNG      | Y |
| MR. FLYNN      | Y |
| MR. MANN       | Y |
| MS. MURRAY     | Y |
| MR. SEELBACH   | A |
| MS. SIMPSON    | Y |
| MR. SITTENFELD | Y |
| MR. SMITHERMAN | Y |

Item #: 201500306

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/11/2015, authorizing the City Manager to execute a Development Agreement with Neyer Properties, Inc. in support of the developer's proposed redevelopment of the Baldwin buildings located on Eden Park Drive in the City of Cincinnati.

\*\*\*

Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0072-2015

|              |   |
|--------------|---|
| MR. WINBURN  | Y |
| MR. YOUNG    | Y |
| MR. FLYNN    | Y |
| MR. MANN     | Y |
| MS. MURRAY   | Y |
| MR. SEELBACH | A |
| MS. SIMPSON  | Y |

MR. SITTENFELD        Y  
MR. SMITHERMAN       Y

Item #: 201500307

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/11/2015, authorizing the transfer and appropriation of the sum of \$1,400,000 from the balance sheet reserve account 050x2580 of the General Fund 050, "Reserve for Weather Events, Other Emergency and One-Time Needs" to various Department of Public Services operating accounts for winter operations expenses according to the attached Schedules of Transfer.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY    0073-2015

MR. WINBURN            Y  
MR. YOUNG               Y  
MR. FLYNN               Y  
MR. MANN                Y  
MS. MURRAY              Y  
MR. SEELBACH            A  
MS. SIMPSON              Y  
MR. SITTENFELD          Y  
MR. SMITHERMAN        Y

Item #: 201500326

ORDINANCE, (EMERGENCY) submitted by Harry Black, City Manager, on 3/16/2015, authorizing the City Manager to take all necessary actions to revise all City of Cincinnati salary ranges with the state minimum wage as the range's starting point to ensure compliance with State of Ohio minimum wage requirements.

\*\*\*

Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY    0068-2015

MR. WINBURN            Y  
MR. YOUNG               Y  
MR. FLYNN               Y  
MR. MANN                Y  
MS. MURRAY              Y  
MR. SEELBACH            A  
MS. SIMPSON              Y  
MR. SITTENFELD          Y  
MR. SMITHERMAN        Y

Item #: 201500040

REPORT, dated 1/14/2015, submitted by Harry Black, City Manager, regarding 311 System. (SEE DOCUMENT #201401453 FOR ADOPTED MOTION)

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Status/Recommendations:

APPROVE & FILE

\*\*\* APPROVED AND FILED

Item #: 201500166

REPORT, dated 2/11/2015, submitted by Harry Black, City Manager, regarding housing loan portfolio. (SEE DOCUMENT #2014001488 FOR MOTION)

\*\*\*

Status/Recommendations:

APPROVE & FILE

\*\*\* APPROVED AND FILED

Item #: 201500210

REPORT, dated 2/19/2015, submitted by Harry Black, City Manager, regarding Department of Finance reports for the month ended January 31, 2015.

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Status/Recommendations:

APPROVE & FILE

\*\*\* APPROVED AND FILED

Item #: 201500252

RESOLUTION (LEGISLATIVE) submitted by Harry Black, City Manager, on 3/4/2015, declaring the necessity of assessing for the control of blight and disease of shade trees within the public rights-of-way, and for planting, maintaining, trimming and removing shade trees in and along the streets of the City of Cincinnati's Urban Forestry Maintenance District for the year 2016.

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Status/Recommendations:

PASS

\*\*\* PASSED 0021-2015

MR. WINBURN N

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH A

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN N

Item #: 201500300

RESOLUTION (LEGISLATIVE) submitted by Harry Black, City Manager, on 3/11/2015, declaring the necessity of assessing properties that benefit from special street lighting within the City of Cincinnati in Lighting Group 1 for the cost of such lighting for the three-year period beginning August 1, 2014.

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Status/Recommendations:

PASS

\*\*\* PASSED 0022-2015

MR. WINBURN N

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH A

MS. SIMPSON Y

MR. SITTENFELD Y

MR. SMITHERMAN N

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

Item #: 201500253

REPORT, dated 3/4/2015, submitted by Harry Black, City Manager, regarding Cincinnati Streetcar - December 2014.

\*\*\*

Status/Recommendations:

APPROVE & FILE

\*\*\* APPROVED & FILED